

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-24265 - APPLICANT: ADAM CORRIGAN - OWNER:
HOWARD HUGHES CORPORATION**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Pub, Bar and Lounge use, including parking requirements.
2. Conformance to the conditions for Zoning (Z-0119-96), Summerlin Development Plan Review (SV-0042-98) and City Referral Group Site Development Plan Review (CRG-6661) if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

A Special Use Permit is being requested for a proposed Pub, Bar and Lounge within an existing commercial center located in Summerlin at 11770 West Charleston Boulevard, Suite 110. The use will occupy a 2,032 square foot space in building D which is located on the southeast side of the site. Access to the commercial center is via entrances on Charleston Boulevard and Desert Foothills Drive.

Entrance to the pub is from the interior of the shopping center. The submitted floor plan depicts a full kitchen and restrooms in the back portion of the space. A bar stretching almost the length of the public area provides seating for 16. Table seating is available for 36 customers in the remaining floor area. Hours for the bar were not specified, although the applicant would like the option to be open 24-hours.

The Pub, Bar and Lounge use meets the requirements of Title 19 and the Summerlin Development Standards, therefore, staff recommends approval of the Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
02/09/98	The City Council approved a Summerlin Development Plan Review (SV-0042-97) for Summerlin Village 20 within which the subject property is located.
02/12/98	The Planning Commission approved a Tentative Map (TM-0002-98) for 39 lots of Village 20 within the subject property is located.
11/30/04	The Planning Commission approved a Tentative Map (TMP-5708) for a two-lot commercial subdivision of property which included the subject property, at the northeast corner of Desert Foothills Drive and Charleston Boulevard.
05/25/05	The City Referral Group approved a Site Development Plan Review (CRG-6661) for a 56,000 square-foot grocery store at the northeast corner of Charleston Boulevard and Desert Foothills Drive.
07/06/05	The City Council approved a Special Use Permit (SUP-6500) for a liquor store at the northeast corner of Charleston Boulevard and Desert Foothills Drive.
03/31/06	A Final Map (FMP-6056) of a one-lot commercial subdivision was administratively approved for property, which included the subject property, at the northeast corner of Desert Foothills Drive and Charleston Boulevard.

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01/03/07	The City Referral Group approved a Site Development Plan Review (CRG-18747) for a 3,350 square-foot convenience store (w/fuel pumps) on 0.91 acres located 280 feet north of Charleston Boulevard on the east side of Desert Foothills Drive.
08/15/07	The City Council approved a request for an Extension of Time (EOT-22994) of an approved Special Use Permit (SUP-6500) for a proposed liquor store at 11720 West Charleston Boulevard.
09/05/07	The City Council approved a request for a Special Use Permit (SUP-22488) for a proposed beer/wine/cooler in conjunction with an on-sale establishment (Pizza Restaurant) at 11710 West Charleston Boulevard, Suite #150.

<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Description
09/21/06	Shell Building D for C of C (Permit 6005989 Not yet issued)
Pending	Mark Richs NY Pizza (L09-93140) Need SUP for beer/wine and C of O for TI
Pending	Mark Richs NY Pizza (R09-93141) Need SUP for beer/wine and C of O for TI
08/14/07	Albertsons Store (C05-02563) Tobacco Sales
Withdrawn	Albertsons Store (C08-94023)
09/14/07	Silver State Schools (C18-00024) Credit Union
09/14/07	Cardivan Company (C20-02305) Convention Hall Gaming Tax (Albertsons)
09/21/07	Cardivan Company (G01-02305) Gaming Restricted (Albertsons)
08/14/07	Albertsons Store (G05-01990) Grocery Store
08/14/07	Albertsons Store (L15-00136) Package Liquor
09/21/07	Redbox Automated (V07-00239) Rental Kiosk in Albertsons
<i>Pre-Application Meeting</i>	
08/14/07	A pre-application meeting was held. The applicant was informed that the site was under the VC (Village Center) special land use designation per the Summerlin Development Standards Manual. In addition, the applicant was informed that a Pub, Bar, and Lounge would require a Special Use Permit. Submittal requirements were also discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
09/07/07	Commercial Center under construction. Subject site fronts onto Charleston Blvd.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	6.9

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SUM (Summerlin)	P-C (Planned Community)
North	Single Family Residential	SUM (Summerlin)	P-C (Planned Community)
South	Clark County	Clark County	Clark County
East	Single Family Residential	SUM (Summerlin)	P-C (Planned Community)
West	Single Family Residential	SUM (Summerlin)	P-C (Planned Community)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Summerlin	X		Y
Special Purpose and Overlay Districts	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

in accordance with 2012, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Pub, Bar and Lounge	2,032 gfa	1 per 50 s.f. public area plus 1 per 200 s.f. of remaining s.f. with a minimum of 10 spaces	35	2	491	Y	
TOTAL			37		491	Y	

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ANALYSIS

The Summerlin Master Plan depicts the subject property as having a VC (Village Center) land use designation. The Village Center (VC) will allow a mix of land uses including multi-family residential uses and commercial, cultural, recreational and meeting facilities that provide most of daily and weekly support services and activities for a village or a combination of villages. A Village Center may include a grocery store, a drugstore and the supporting commercial uses (retail, service and convenience) residents require on a regular basis. Village Centers may also include recreational facilities and business and professional offices.

- **Project of Regional Significance**

This request is a Project of Regional Significance, due to the proximity to a boundary with Clark County. An Environmental Impact Assessment was submitted as part of the Special Use Permit applications and sent to affected agencies for comment. No comments were received.

- **Parking**

The parking requirements for a Pub, Bar and Lounge use are one parking space for each 50 square feet of public seating and waiting area, including outdoor seating/eating areas, plus 1 space for each 200 s.f. of the total remaining gross floor area, with a minimum of 10 spaces is required for the proposed use.

The location of the proposed use will consist of 2,032 square feet of floor area, of that space approximately 1,332 s.f. is public area, requiring 27 parking spaces. The remaining floor, a kitchen and work space, requires a minimum of 10 parking spaces. Total parking for the proposed use is 37 spaces. Located within a commercial subdivision containing a total of 491 parking stalls, parking is adequate for the proposed use.

- **Zoning**

The subject site is currently zoned P-C (Planned Community) and has a Summerlin Land Use designation of VC (Village Center). The proposed Pub, Bar and Lounge is within the range of uses permitted, with approval of a Special Use Permit, in the VC (Village Center) land use designation with P-C (Planned Community) zoning.

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- **Use**

The Summerlin Development Standards requires a Special Use Permit for the Pub, Bar /Lounge use and defers to Title 19 for definition and requirements. Title 19.06 states: *That any issue of land use regulation that may arise in connection with the PC District and that is not addressed or provided for specifically in this chapter or in an approved Planned Community Program, the Director of the Department of Planning and Development may apply by analogy the general definitions, principles and procedures set forth in this Title, taking into consideration the intent of the approved Planned Community Program.*

A Pub, Bar and Lounge is considered comparable to the use as a Liquor Establishment (Tavern) as defined by Title 19.04. A Liquor Establishment (Tavern) is defined as a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

- **Conditions**

In deferring to Title 19.04 for definition and requirements, a Pub, Bar and Lounge is subject to the following conditions:

1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (taverns), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern), church, synagogue, school, child care facility licensed for more that 12 children or City park.
2. The distance separation referred to in Requirement one shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.
3. For the purpose of Requirement 2, and for that purpose only:
 - a. The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
 - b. The "property line" of a liquor establishment (tavern) refers to:

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- i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
 - ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description , If:
 - A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
 - B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located.
 - C. All parking spaces required by this Table 2 and LVMC Chapter 19.10 for the liquor establishment (tavern) use will be located on the same parcel as the use; and
 - D. The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the liquor establishment will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
- 4. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest room on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July1, 1992.
- 5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of paragraph 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that:
 - a. Will be located on a parcel or within the C-V District or the Downtown Casino Overlay District.
 - b. Will be located on a parcel or within a building that pursuant to State law or City ordinance has been designated as an historic property, historic building or landmark;
 - c. Will be located within a regional mall; or.
 - d. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.
- 6. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50

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The proposed use of a Pub, Bar and Lounge is located within a recorded commercial subdivision with primary access from Charleston Boulevard, a 100 wide street, in the Summerlin Master Planned Community. A review of existing business licenses and an inspection of the site and surrounding area did not reveal any protected uses within the minimum separation distances. The proposed use is in compliance with the above stated requirements of Title 19, pertinent to this use on this site.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The project is compatible with the Summerlin land use designation and is located within a developing commercial center where a substantial concentration of major commercial development is to occur. A Pub, Bar and Lounge is an appropriate and compatible use within the commercial center at this location.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The location of the proposed Pub, Bar and Lounge is within a large commercial center where adequate parking facilities are available on site. This location is physically suitable for the type and intensity of land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Pub, Bar and Lounge will be accessed by Charleston Boulevard, a 100-foot wide primary arterial and Desert Foothills Road, a Summerlin 80-foot wide collector street. These roads have adequate capacity to serve the proposed use. The project will not have any negative traffic impact on residential neighborhoods in the area.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the proposed Pub, Bar and Lounge would be subject to inspections for a Certificate of Occupancy and that of Business Services.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 1,003

APPROVALS 3

PROTESTS 7